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June 16, 2017

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TWIGGS & OLIVER
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OLIVER, OLIVER & DAVIS
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1955-1963

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1963-1967

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1967-2008

JULIAN R. FRIEDMAN (GA & SC)
OF COUNSEL

Via email at CELA@fec.gov

Federal Election Commission
Office of Complaints Examination and Legal Administration
Attn: Mary Beth deBeau, Paralegal
999 E Street, NW
Washington, DC 20436

RE: Simons and Associates, LLC and David Simons; MUR 7246

Dear Assistant General Counsel Jeff Jordan:

Thank you again for providing us with an extension so that we had an opportunity to investigate this matter before responding. We appreciate the courtesy.

The purpose of this letter is to respond, on behalf of our clients, David Simons and Simons and Associates, LLC, to the complaint filed with the Federal Election Commission on May 8, 2017 by Lisa M. Ring with designation MUR 7246 (the "Complaint"). Mr. Simons has attested to the accuracy of this response by means of the attached Verification. The Designation of Counsel forms evidencing our authorization to discuss this matter on our clients' behalf were previously filed with your office. Please let us know if you need copies of those.

In response to the Complaint, our clients state that no action has been taken by them that is in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"). As is correctly noted in the Complaint, Simons and Associates, LLC was paid professional fees for the consulting work that it was hired to do for Earl L. "Buddy" Carter while he was a Georgia state Senator. All monies paid to Simons and Associates, LLC by Mr. Carter (or on Mr. Carter's behalf) were as legitimate compensation for consulting services which Mr. Simons and his company provided for or on behalf of Mr. Carter.

Simons and Associates, LLC was hired to perform work for Mr. Carter long before Mr. Carter ever campaigned to be elected to the U. S. House of Representatives. Simons and

Mr. Jordan, Asst. General Counsel
Federal Election Commission
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Associates, LLC provided consulting work for Mr. Carter not only during his campaigns but also while he was sitting as a state Senator in Georgia. Pursuant to that relationship, Simons and Associates, LLC was entitled to compensation for the valuable services which it provided. A *portion* of that compensation is correctly notated as consulting fees on Appendix A of the Complaint. The consulting fees which Simons and Associates, LLC earned during the period at issue clearly exceed the amounts Mr. Simons chose to donate personally to Mr. Carter. Moreover, the total fees Mr. Simons earned over many years of work for Mr. Carter dwarf the amount of the campaign contribution at issue here. The simple fact is that Mr. Simons, as a private citizen, agreed with some of Mr. Carter's campaign promises and therefore chose to support him as a candidate for the House of Representatives. As evidence of that support, Mr. Simons made donations totaling \$1,000.00 to the campaign, as he had the right to do. None of the funds paid to Simons and Associates, LLC can be properly characterized as part of an "apparent conduit contribution scheme" because, regardless of whether a contribution was made to Mr. Carter's campaign or not, Simons and Associates was entitled to all of the compensation paid to and earned by it. The Complainant's allegations that Mr. Simons' donations were some kind of a "pass through" scheme are rank speculation and wholly unsupported by the available facts.

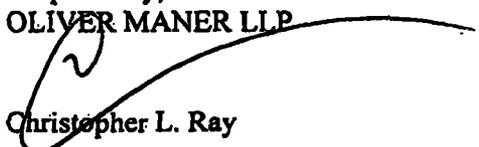
The second allegation involving our clients in the Complaint is somewhat vague. Ms. Ring asserts that "it *appears* that Carter was spending his state campaign committee's soft money" on Mr. Carter's federal campaign. (emphasis added.) That contention is untrue, at least insofar as it is meant to apply to Mr. Simons and Simons and Associates, LLC. Simons and Associates, LLC does not only provide services to politicians during campaigns. It also provides consulting services to elected politicians during their service in those positions. Insofar as Mr. Carter continued to serve as a state Senator until taking office in the U. S. House of Representatives, the compensation paid to Simons and Associates, LLC contained on Appendix A of the Complaint were for services provided to Mr. Carter as a Georgia state Senator and, thus, were proper. No evidence to the contrary has been provided. The fact that Mr. Carter may have been a lame duck state Senator waiting to take his seat in Congress does not alter the analysis in any regard.

In conclusion, our clients were not part of an "apparent conduit contribution scheme" because they received money to which they were entitled. Whether they also chose to make a personal contribution to support a like-minded candidate who was also a longtime client was entirely up to them. There was, however, nothing requiring any such contribution.

This baseless Complaint does not warrant the use of Commission resources and should be dismissed.

Should you have any questions or need anything further, please do not hesitate to contact me.

Respectfully,
OLIVER MANER LLP


Christopher L. Ray

CLR/blg

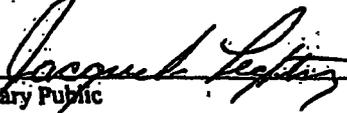
VERIFICATION

The facts contained in the foregoing letter are true and correct and are based upon my personal knowledge and belief.



DAVID SIMONS, *Individually and as the*
Manager of Simons and Associates, LLC

Sworn to and subscribed before me
this 15 day of June, 2017.



Notary Public



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